

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,

v.

TARELL STEWART,
Defendant.

:
:
:
: CRIMINAL
:
: NOs. 02-736
: and
: 03-442
:

Order

AND NOW, this 3rd day of June 2009, upon consideration of defendant's motions for sentence reduction (Doc. No. 45 of Case No. 02-736 and Doc. No. 18 of Case No. 03-442), defendant's supplemental memorandum of law, and the government's response, **IT IS HEREBY ORDERED** that the motions are **GRANTED**.

IT IS FURTHER ORDERED THAT defendant's motions to reduce sentence pursuant to 18 U.S.C. § 3582(c)(2) (Doc. No. 48 of Case No. 02-736 and Doc. No. 21 of Case No. 03-442) are **GRANTED**.

Oral argument on whether *United States v. Booker*, 543 U.S. 220 (2005), applies to this modification of sentence and an evidentiary hearing for evidence and modification of defendant's sentence under § 3582(c)(2) is scheduled for July 23, 2009 at 1:30 pm.

Defendant is entitled to attend. However, defense counsel has suggested that defendant may not wish to attend. Therefore, **IT IS FURTHER ORDERED THAT** defense counsel shall advise the court within 10 days as to whether defendant wishes to attend.

s/ William H. Yohn Jr., Judge
William H. Yohn Jr., Judge